REMARKS

Reconsideration of the present application in view of the following remarks is respectfully requested. Fifteen claims are pending in the application: Claims 1 through 15.

35 U.S.C. § 103

1. Claims 1-15 stand rejected under 35 U.S.C. 103(a) as being unpatentable over U.S. Patent No. 5,825,876 (*Peterson*) in view of U.S. Patent No. 5,808,662 (*Kinney et al.*).

Peterson discloses a system for controlling time based availability to content (such as, movies, music, games, information and the like) provisioned on a storage medium (*See Peterson* Abstract). The system allows each consumer the right to purchase and subsequently view the content, e.g., one time for a certain fee through online access from the controller to the authorization center; but the single viewing will only be allowed by the controller on or after a premier event (*See Peterson* Abstract). In order to gain access to content the user sends an authorization request message including an identifier 24 to a server 60 (*See Peterson* Column 8, lines 18-22). The server subsequently generates an authorization granted message which the server sends to the client. The authorization granted message indicates: the identifier 24 of the secured content 28 to which access is now authorized; the start date and time at which access to the secured content (i.e., unlocking) may be enabled; the expiration date and time after which authorization lapses; the usage limit and the key K which is encrypted, for security, by the server 60 under the public key of the consumer (*See Peterson* Column 8, lines 28-39).

In the office action, the Examiner states that *Kinney et al.* "teaches simultaneously beginning the playback of a movie for the benefit of providing collaborative, interactive viewing of movies by multiple participants in remote locations." The Examiner then states that "it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the playback of Peterson to incorporate beginning the playback of the event simultaneously, as taught by Kinney, for the benefit of providing collaborative, interactive viewing of movies by multiple participants in remote locations."

M.P.E.P Section 2143 states "To establish a *prima facie* case of obviousness, three basic criteria must be met. First, there must be some suggestion or motivation, either in the references themselves or in the knowledge generally available to one of ordinary skill in the art, to modify the reference or to combine reference teachings. Second, there must be a reasonable expectation of success. Finally, the prior art reference (or references when combined) must teach or suggest all the claim limitations."

Assuming, arguendo, that the above-quoted characterization of *Kinney, et al.* made by the Examiner is correct, and further assuming for purposes of argument that their combination is suggested by their teachings, as required by 35 U.S.C. § 103, the combination of *Peterson* and *Kinney, et al.* provides, at most, a system in which 1) an identifier is sent to a server for the purpose of generating an authorization granted message for unlocking content on a storage medium (including possible date and time restrictions) and 2) a system in which there is simultaneous playback of the unlocked content at more than one location. Neither reference shows or suggests sending

an identifier for the purpose of determining whether to initiate simultaneous playback, and initiating simultaneous playback as a function of the determining.

In contrast, Applicants' independent claim 1 recites, in part, "comparing the identifier with an identifier of a scheduled event; and beginning the playback of the event simultaneously on each of the client apparatuses if the comparison renders a match." That is, Applicants do not perform a comparison of the identifiers in order to determine whether access is granted to content, Applicants perform a comparison of the identifiers in order to determine whether to begin playback of an event simultaneously on each of the client apparatuses.

Neither *Peterson* nor *Kinney et al.* individually or in combination teach or suggest using an identifier in order to start simultaneous playback on a plurality of client apparatus. At best, assuming everything the Examiner has stated is correct, the combination of the references teaches utilizing an identifier to unlock content on a storage medium and a system that can synchronize playback of content for collaborative, interactive viewing of the content. However, there is no teaching, suggestion, or motivation for utilizing an identifier for the purpose of determining whether to begin playback of an event simultaneously as claimed by Applicants.

Thus, even if the combination made by the Examiner is proper, the combination still fails to teach or suggest all of Applicants' claim limitations. Per M.P.E.P. section 2143, a *prima facie* case of obviousness has not been made as the combination of *Peterson* nor *Kinney et al.* fails to teach or suggest all of the limitation of claim 1.

Therefore, Applicant respectfully submits that the rejection is overcome and claim 1 is in condition for allowance. Furthermore, independent claims 6 and 11 are also in condition for allowance for the same reasons as stated above with reference to claim 1. Claims 2-5, 7-10 and 12-15 are in condition for allowance at least because of their dependency upon an allowable claim.

CONCLUSION

In view of the above, Applicants submit that the pending claims are in condition for allowance, and prompt and favorable action is earnestly solicited. Applicants have made a diligent effort to place the claims in condition for allowance. However, should there remain any outstanding issues that require adverse action, it is respectfully requested that the Examiner telephone Thomas F. Lebens at (805) 781-2865 so that such issues may be resolved as expeditiously as possible.

Respectfully submitted,

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